



Fair Political Practices Commission

428 J Street · Suite 620 · Sacramento, CA 95814-2329
(916) 322-5660 · Fax (916) 322-0886

ACCESSING PUBLIC RECORDS OF THE FAIR POLITICAL PRACTICES COMMISSION

The public's right to access information concerning the conduct of government is a fundamental and necessary right. A record shall not be withheld from disclosure unless it is exempt under applicable laws, or the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. The Commission is mindful of the constitutional right of privacy accorded to individuals and this policy is intended to strike an appropriate balance between the objectives of open government and the individual's right of privacy.

Records Available for Inspection and Copying

Records available for inspection and copying include any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the Commission, regardless of the physical form and characteristics. The records do not have to be written but may be in another format that contains information such as computer tape or disc or video or audio recording.

"Writing" includes any handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation such as letters, words, pictures, sounds, or symbols, as well as all papers, maps, magnetic or paper tapes, photographic films and prints, and electronic mail.

Locating and Identifying Records

Public records are open to inspection at all times during regular Commission business hours. The Commission is the filing officer for several types of

documents specified under the Political Reform Act, including Statements of Economic Interest (commonly referred to as SEI's or Form 700s) for statewide elected officials, legislators, and officials required to by Government Code section 87200 to file SEI's. The Commission also maintains copies of conflict of interest codes for hundreds of jurisdictions.

In addition, each of the Commission's individual divisions maintains and has custody of records and information relating to the responsibilities and work performed by the particular division.

Information about the Commission's divisions and responsibilities may be obtained by contacting the Commission's offices directly at 916-322-5660. The Commission's offices are located at 428 J Street, Suite 620, Sacramento, CA 95814.

Making a Request for Records

There is no specific form that must be used to request records, nor is there any language that must be used when making a request. Requests may be made orally or in writing; either in person, through the mail, or over the telephone. The request, however, should contain a reasonable description of the desired records in order to expedite processing of the request.

The Executive Director of the Commission has designated a person or persons, who will be responsible for responding to requests for records and coordinating the response with other Commission employees, when appropriate. The Commission representative shall also, to the extent reasonably practicable, assist the public in making focused and effective requests for records and information. In order to accomplish this the representative shall: (1) assist the member of the public with identification of records and information that are responsive to the request or the purpose of the request, if known; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying the request.

Form of Records Provided

Records shall be made available in their original form or by a true and correct copy. Audio, photographic and computer data, or any other such records, shall be exact replicas unless the Commission staff determines it is impracticable to provide exact replicas. Any reasonably segregable portion of a record shall be provided to the public after deletion of portions that are deemed exempt from disclosure.

Time for Response

Upon receipt of a written or oral request for records, the Commission shall respond to the requestor promptly, but no later than 10 days after the request. In cases where the records are not readily identifiable or accessible, or additional time is needed to determine whether the request in whole or in part seeks copies of disclosable records, the Commission will have ten (10) calendar days to provide its determination. The ten (10) day time period shall be calculated from the date the request is received.

In unusual circumstances, the Commission may extend its time to respond by an additional fourteen (14) calendar days. Should this occur, the Commission will inform the requestor in writing of the extension within the initial ten (10) day period, setting forth the reasons for the extension, along with the estimated date of the Commission's further response. Unusual circumstances permitting the extension of time are limited to: (1) the need to search for and collect the requested records from facilities separate from the office processing the request; (2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that have been asked for in a single request; (3) the need for consultation with another department or another agency that has a substantial interest in the response to the request; and/or (4) the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

If a written request for information is denied in whole or in part, the denial shall be in writing and shall contain the explicit reasons for denial of access to the subject records, as well as the names and titles or positions of each person responsible for the denial.

Production of Documents

The actual production of the documents will be made as soon as practicable.

Public Records Requests for Enforcement Files

FPPC Regulation 18362(a) provides that access to investigative files, including complaints, and other enforcement information shall be granted in accordance with the requirements of the Public Records Act.

Any requests for access to closed enforcement cases must describe the documents sought. Identifying information about the complainant in an enforcement matter will be redacted unless the complainant has made his or her identity known to the general public as having filed the complaint.

The FPPC does not allow access to any pending enforcement cases until after the case is closed, an accusation is issued, a civil complaint is filed, or a

settlement is presented to the Commission.

Requests for enforcement documents may be made directly to the Enforcement Division. The division's fax number is (916)322-1932 and the mail address is:

Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814.

Fees and Charges

In most situations, the Commission will not charge any fees to cover the time and costs incurred in searching for, locating or collecting records. The Commission, however, may charge \$0.10 per page for each page copied by Commission staff. Documents may be reviewed or copied in the FPPC offices and must not be removed from the offices. The Commission may also charge for duplication costs in another medium. If the request is for copies totaling fifty pages or less, the copies will be provided without charge.

Requestors of electronic records shall pay for production costs, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy if the request would require the production of a record that is otherwise only produced at regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record. However, the Commission will not charge for access to data that is readily accessible without significant cost to the Commission.